

**JOURNEY'S END
COMMUNITY DEVELOPMENT DISTRICT**

**LAKE BANK AND
LAKE MAINTENANCE EASEMENT RULES**

- 1.0 **Applicability.** These Lake Bank and Lake Maintenance Easement Rules (the “Rules”) are applicable to those lakes and water bodies owned by the Journey’s End Community Development District (the “District”) and those private residential properties within the District that abut the lakes and water bodies. In general, with respect to the lakes and water bodies within the District, there exists (1) a lake maintenance easement over a portion of the private residential parcel adjacent to the lake and (2) a portion of dry land owned by the District between the residential property line and the water’s edge.
- 2.0 **Encroachments into District-owned Property.** No encroachments into the District-owned lake tract parcel or any other District-owned property shall be permitted at any time. All encroachments, existing upon the effective date of these Rules, into the District-owned lake tract parcel shall be removed by the owner of the residential property immediately adjacent within ninety (90) days of the effective date of this Rule. Thereafter, any other encroachment into the District-owned lake tract parcel, whether or not identified at the time these Rules are adopted, shall be removed by the owner of the residential property immediately adjacent at no cost to the District within thirty (90) days notice from the District. Should said responsible party fail to remove the encroachment from the District property within the time period set forth herein, District will remove the encroachment at the expense of the responsible party. Notwithstanding that which is set forth above, in the case of an emergency or threat to public safety, the encroachment shall be removed immediately.
- 3.0 **Encroachments into the District Lake Maintenance Easement.**
- 3.1. **Existing encroachments.** Encroachments into the District lake maintenance easement, existing as of December 31, 2010 may remain under the conditions set forth in these Rules and provided that all of the following criteria have been satisfied:
- 3.1.1 The encroachment is, at all times, at least fifteen (15’) feet from the beginning of the lake bank, defined as the point where the lake bank drops off into the water or where the lake bank is sodded and grass is growing, whichever is further inland.
- 3.1.2 The encroachment is not located on District-owned property, but is wholly within the lake maintenance easement.
- 3.1.3 The encroachment does not have the effect of blocking any portion of the lake maintenance easement (i.e. a hedge or a fence).

- 3.1.4 The encroachment does not alter the lake bank slope required by the rules and permits of the South Florida Management District and does not result in a horizontal to vertical slope of more than 4:1.
- 3.1.5 All encroachments within the lake maintenance easement of a particular parcel do not exceed coverage, measured at the base, of more than twenty-five (25) square feet of the lake maintenance easement.
- 3.1.6 Any encroachments that are fences or hedges located within the lake maintenance easement and which satisfy all other conditions of this Section 3.0 shall encroach no more than three (3') feet into the lake maintenance easement, and shall have a height of no more than four (4') feet from grade.
- 3.1.7 The encroachment is not a tree that has a large root system or is a species that has the potential of developing a large root system that could possibly damage or adversely impact the lake bank in the event the tree is uprooted.
- 3.1.8 A proper building and/or zoning permit for the encroachment has been obtained from Palm Beach County or other government entity or agency having jurisdiction thereof, with proof of such permit being submitted by the property owner to the District.

If at anytime in the future the encroachment into the lake maintenance easement shall fail to meet any of the above criteria, the property shall be removed by the property owner pursuant to section 3.3 below.

3.2 Encroachments after Effective Date. Encroachments into the lake maintenance easement installed or constructed after the Effective Date of these Rules may be permitted by the District, provided that all of the following criteria have been satisfied prior to the encroachment being installed or constructed:

- 3.2.1 A recent survey (less than 6 months old) completed by a registered surveyor and depicting the subject property lot lines, the lake maintenance easement line and the location of the proposed encroachment is provided to the District with a completed permit application, and permit fee in the amount of \$500.00. Should the applicant be applying for an “after-the-fact” permit because the encroachment was installed or constructed without first obtaining a District permit, the permit fee shall be \$1,000.00.
- 3.2.2 The criteria set forth in Sections 3.1.1 through 3.1.7 of this Rule have all been satisfied.

- 3.2.3 The property owner enters into an Encroachment Agreement in a form acceptable to the District and which shall be recorded in the public records of Palm Beach County, Florida.
- 3.3 Removal of Lake Maintenance Easement Encroachment. Should the encroachment into the lake maintenance easement fail, at any time, to meet any of the applicable criteria within Section 3.1 and Section 3.2, regardless of whether the encroachment has been permitted or is the subject of an Encroachment Agreement, the encroachment shall be removed by the property owner at no cost to the District within forty-five (45) days of written notice from the District. The District is authorized to remove any encroachment, or any portion of an encroachment at its discretion in order for District to maintain its stormwater management facilities, or any portion thereof. All costs and expenses of such removal shall be the responsibility of the property owner.
- 3.4 Maintenance of Encroachment. Any encroachment into a District lake maintenance easement authorized or permitted pursuant to these Rules shall be regularly maintained in first class condition by the owner of the adjacent parcel. Maintenance of vegetative encroachments, including but not limited to, trees and hedges, shall include regular tree trimming at least once annually and as needed.
- 3.5 Notice. Notice for purposes of these Rules shall be in writing and be hand-delivered or sent Certified U.S. Mail, Return Receipt Requested to the owner of the property in question at the address listed in the tax collector's office for tax notices and to any other address provided in writing to the District by such owner.

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**SCHEDULE OF FEES
LAKE BANK AND EASEMENT ENCROACHMENTS**

DESCRIPTION	FEE
Encroachment Permit Fee (Sec.3.2)	\$500.00
Encroachment Permit Fee (after-the-fact) (Sec. 3.2)	\$1,000.00